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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,918	10/14/2003	Hao Bi	CS23795RA	3562

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MOTOROLA INC
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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/684,918

Applicant(s)

BI ET AL.

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) ☐ Other: ____. |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the current drawings are hand drawn and contain illegible figure numbers. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Esteves et al. (US 6,205,129).

Referring to Claim 1, Esteves teaches a method of operating a communication device, comprising:

Receiving a broadcast transmission signal (see col. 10, lines 12-15);

Determining a quality level of the broadcast transmission signal (see col. 11, lines 5-9);

Communicating with the base station to establish of the frequency of reverse link transmission will be altered depending on the determined quality level (see col. 2, lines 28-36).

Referring to Claim 2, Esteves also teaches comparing the received signal to a quality threshold (see col. 11, lines 5-9).

Referring to Claim 3, Esteves also teaches comparing the received signal to a quality threshold over a predetermined time period (see col. 11, lines 5-9).

Referring to Claim 4, Esteves also teaches transmitting an intent to alter the gating and waiting for an acknowledgement (see col. 2, lines 54-62).

Referring to Claim 5, Esteves also teaches changing how frequently reverse link communications are established (see col. 2, lines 28-36).

Referring to Claim 6, Esteves teaches a method of operating a user device to date reverse link transmissions, the method comprising the steps of:

Receiving a broadcast signal (see col. 10, lines 12-15);

Comparing the quality of the received broadcast signal to a quality threshold (see col. 11, lines 5-9);

Determining whether the quality exceeds the quality threshold (see col. 11, lines 5-9);

Determining a desired gating rate (see col. 2, lines 54-62);

Communicating an intent to gate at the desired gating rate (see col. 2, lines 54-62);

Receiving an acknowledgement (see col. 2, lines 54-62); and

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Increasing the time period between reverse link communications (see col. 2, lines 28-36).

Referring to Claim 7, Esteves also teaches receiving the quality threshold (see col. 11, lines 5-9).

Referring to Claim 8, Esteves also teaches determining whether the quality exceeds the threshold for a first time period threshold (see col. 11, lines 5-9).

Referring to Claim 9, Esteves also teaches receiving an action time (see col. 11, lines 10-12).

Referring to Claim 10, Esteves teaches gating the reverse link transmission (see col. 2, lines 54-62); and

Determining whether the received broadcast quality falls below the quality threshold for a second time threshold (see col. 11, lines 5-8);

Transmitting an intent to change the gating rate along with the new gating rate to the serving base station (see col. 2, lines 54-62)

Receiving an acknowledgement, including an action time; decreasing the time period between reverse link communications, or removing reverse link gating (see col. 11, lines 10-22).

Referring to Claim 11, Esteves teaches a method of operating a wireless communication network, comprising the steps of:

Determining when a parameter crosses a threshold (see col. 11, lines 5-8);

Transmitting a message to select wireless communication devices to start gating on a reverse link when the parameter crosses the threshold (see col. 11, lines

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10-22).

Referring to Claim 12, Esteves also teaches determining whether the transmit power variability of a broadcast signal exceeds the threshold to determine whether gating is needed (see col. 11, lines 5-8).

Referring to Claim 13, Esteves also teaches determining the number of MS in a sector exceeds a threshold to determine whether gating is needed (see col. 11, lines 5-8).

Referring to Claim 14, Esteves also teaches broadcasting a signal to notify all wireless communication devices in a sector to initiate gating (see col. 2, lines 28-36).

Referring to Claim 15, Esteves also teaches a gating start time and a gating rate (see col. 2, lines 28-36).

Referring to Claim 16, Esteves also teaches selective gating of reverse link for transmission by wireless communication devices achieved by sending signaling through forward dedicated control channel (see col. 2, lines 54-62).

Referring to Claim 17, Esteves also teaches individual start time and rate of gating (see col. 2, lines 28-36).

Referring to Claim 18, Esteves also teaches mobiles near the cell edge less gated and mobile devices near the base station heavily gated (see col. 2, lines 63-67 and col. 3, lines 1-6).

Referring to Claim 19, Esteves also teaches the number of power up requests from a user device during a time period, and to gate the reverse link if the fraction of power ups is small (see col. 6, lines 35-46).

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Referring to Claim 20, Esteves also teaches a measurement report based on pilot strength measured at the user device used to determine broadcast quality (see col. 4, lines 22-24).

Referring to Claim 21, Esteves teaches a wireless communication device comprising:

A transceiver (fig. 4);

A controller coupled to the transceiver, the controller operable to determining a quality level of a received signal (see col. 11, lines 5-8) and determine with the base station to establish if reverse link quality measurements will be provided at a first rate or a second rate depending on the quality level (see col. 2, lines 28-36).

Claim 22 has similar limitations as claim 21

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eugene Yun
Examiner
Art Unit 2618

EY


Matthew D. Anderson
Supervisory Patent Examiner